

REMARKS

The above amendment is made in response to the Office action of June 26, 2004. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Firstly, Applicants acknowledge the Examiner's confirmation that claims 1 and 3 have been elected; however, Applicants hereby reserve the right to file a divisional application for any non-elected subject matter in this application.

Claims 1 and 3 have been amended. Claims 1 and 3 remain pending in the present application. Support for the amendments to claims 1 and 3 may be found at least at page 5, lines 10-15 and page 4, lines 5-7 of the specification as originally filed. No new matter has been added.

Abstract Objections

The Abstract of the Disclosure is objected to for containing phrases that contain implications, such as "[t]he present invention relates." Appropriate correction as required by the Examiner is reflected in the above amendment to the Abstract.

Accordingly, it is respectfully requested that the objection to the Abstract be withdrawn.

Specification Objections

The Disclosure is objected to for informalities. The Examiner states that the drawings contain reference characters that are not present in the specification; specifically reference characters 24, 27, 28, 38, 39, 47, 48 and 53 are not present in the specification. Additionally, the Examiner indicates that on page 12, line 6, "third body 50" should be "third body 50c", and on page 12, line 15, "51" should be "52" and on page 12, line 16, "52" should be "51."

Appropriate correction as suggested required by the Examiner is reflected in the above amendments to the Specification.

Accordingly, it is respectfully requested that the objection to the Specification be withdrawn.

Claim Rejections Under 35 U.S.C. §112

Claims 1 and 3 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 1, the Examiner states that antecedent basis for “the side wall surface of the lower portion” and “the front and lower portion of the body” should be defined.

Claim 1 from which claim 3 depends has been amended to provide antecedent basis for the “the side wall surface of the lower portion” and “the front and lower portion of the body”.

Accordingly, it is respectfully requested that the rejection to claims 1 and 3 under § 112, second paragraph, be withdrawn.

Claim Rejections Under 35 U.S.C. §102

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese reference JP52-97814, cited by the Applicants. The Examiner states that JP52-97814 discloses all of the elements of the abovementioned claims, specifically in FIG. 4. Applicant respectfully traverses.

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barent, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claim 1 has been further limited by introducing the subject matter from page 5, lines 10-15 of the specification thereto. Claim 3 has been further limited by introducing

the subject matter from page 4, lines 5-7 of the specification thereto. For example, the present invention discloses that “[i]t is preferable that at least one of the thumb seating part, the index finger seating part, the middle finger seating part and the thumb support part further has a number of through holes and/or embossed portions formed on the outer surface thereof which is in close contact with the thumb and the index finger for absorbing and evaporating sweat to thereby keep a user's agreeable contact feeling.”

[Page 5, lines 10-15].

More specifically, claim 1 has been amended to recite, *inter alia*, at least one of a number of through holes and embossed portions formed on the outer surface of at least one of the thumb seating part, the index finger seating part, the middle finger seating part and the thumb support part. Japanese reference JP52-97814 does not teach this feature.

Therefore, it is respectfully submitted that claim 1, as amended, including claim 3 depending therefrom, define over Japanese reference JP52-97814.

Accordingly, claim 1 and claim 3 depending therefrom are believed to be patentably distinct and nonobvious in view of Japanese reference JP52-97814.

Applicants respectfully request that the Examiner reconsider his rejection of claims 1 and 3 in view of the amendments thereto.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By /James J. Merrick/
James J. Merrick 43,801
Confirmation No. 6317
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
PTO Customer No. 23413
Telephone: (860) 286-2929
Fax: (860) 286-0115

Date: October 25, 2006